

Unto the right Honourable, the Lords of His Majesties most Honourable Privy Council,

The PETITION of

Sir John Hill late Collonel of the Regiment at Fort-William.

Humbly sheweth,

That whereas Captain Allan Cathart, Captain James Menzies, and Captain Thomas Hamilton, Officers in your Petitioners late Regiment, having presented a Petition to the Lords of his Majesties Privy Council, alledging that I, my Lieutenant Collonel and John Forbes my Factor, had detained in their hands a considerable part of the saids Captains their pay unaccounted for, pointing at the several Sums received by the Lieutenant Collonel, for defraying the Expences of his several journeys to London in the Regiments Service, and that he had benefited himself by the saids journeys, and did little or no service to the Regiment. And they also crave that John Forbes may be ordained to produce the Compt Books and Bills of the Regiment, all which matter your Lordships has remitted to a Committee to hear both parties Procurators, and to report. Your Petitioner with all humility, begs leave to represent how groundless this Complaint is, and also to State the true steps of my Administration of the Regiments Affair, as follows.

1. Your Petitioner established Mr. Forbes as his Factor for uplifting the Regiments pay from the general Receivers, and to remit the same either in specie, or to answer such Bills, as I, or any I should empower, to draw upon him from Inverness or else where, and which Money, either remitted by Bill or other ways, was always given to these appointed to pay out of the Weekly pay of the respective Companies of the Regiment, lying in Garrison at Fort-William or else where, and the said Mr. Forbes came up from Edinburgh to Fort-William, sometimes twice, and always once every year, and compted fully and fairly for his Intromissions, and delivered to the commanding Officer of each Company a stated accompt of Charge and Discharge, and delivered to them a Credential or Receipt under their own hands of the Article that was payed out by him, and Mr. Corsbie and John Grant who were the dispensers of the Money remitted in manner foresaid to the Garrison and Pay-masters of the Weekly pay of the whole Companies of the Regiment. Compted also for their Intromissions at the said time: and produced their Book, wherein were insert a receipt, either by the commanding Officer of each Company himself, or by those they authorized to uplift their Companies pay Weekly, for every Article stated in their Discharge, and the foresaid receipts were immediatly after perusal, and Examination cancelled by the Officers themselves, lest they should be probative against them at the next compting, whereupon Compting being so fairly stated, Receipt delivered up, Books cancelled as said is, the said Mr. Forbes obtained a full and ample Discharge from the commanding Officer of each Company, or their own Companies, and *sub alternis* full pay, discharging him and all others of all Accompts preceeding the dates of the saids respective Discharges, which Discharges the said Mr. Forbes reported to me, and at the same time made up the Accompts of the Cloathing, and if any ballance was, the same by my order was delivered into the Paymaster for Subsisting the Regiment, till more Money should come up, and for defraying the Expences of the Emergencies and Exigencies of the Regiment, and after perusal of the foresaid Discharges and Examination of the Cloathing Accompts, being all verified by instructions and credentials uncontestable, I accordingly gave to the said Mr. Forbes his full and ample Discharge with a clause of Registration, Discharging him and all others of their Intromissions, preceeding the date of the said Discharge, and all the Captains of the Regiment at every Compting received stated Abstracts of all their Pay by way of principal and

and Additional Accompt, which was payed to them by Mr. *Forbes* and the Pay-master at the Garison, which Accompts if they will but produce before your Lordships, you not only easily perceive how unjust the Complainers are, but also that every Officer of the Regiment has received all the King allows them, by the Establishment, and not a farthing expence detained from them for any contingencie of the Regiments Expences whatsoever. So that it surprizes your Petitioner, how any Complaint should be sustained, after so plain a way of Transacting matters by Compt and reckoning, and Discharges.

2. Your Petitioner as being Collonel to the Regiment, had the undoubted and absolute Right of disposing of the Retention-Money; not only for the Cloathing, but for other necessary uses in relation to the Regiment; for by the constant practice of *Scots* Forces abroad and at home, and by His Majesties special Decisions, if any Collonel keep his Regiment in good order, well Mounted with all necessary Abuilziments to a Souldier whatsoever; if by the Collonels care and Industry, any thing be saved of the Cloathing Money, it belonged to the Collonel as his just perquisit, and as a Reward for his extraordinary care and Diligence, and Conduct in his Regiments Affairs, and defraying the contingent Expence the Collonels are usually at, in Supporting the Concerns and Interest of the Regiments: And it's very well known both by my Officers and others, that no Regiment in His Majesties Service upon the *Scots* Establishment, (without derogation to one or other) was better Mounted, and appointed than my Regiment always was upon all occasions not so much as Combs to their Heads and Buckles to their Shoes, but I provided them with, and looked after the Wellfare of the Souldiers as if they had been my Children; and within eight Months of the Regiments Disbanding, Cloathed all of them with double Mounting, to wit, each Souldier with a new perillous Coat, red Coat, two Linen Shirts, a pair of Breeches, Shoes and Stockings, with new Buff-belts, and Baginots and Pattern-tashes, and new Capes: And each Sergeant with a new Scarlet Coat mounted with Gilded Buttons, and broad Gold Lace and other Furniture conform; and after I had certain knowledge that the Regiment was to be Disbanded, I payed out 80 *lib. sterling* for Cravates which I gave to my Officers to divide amongst the Souldiers to Incourage them, that if His Majestie should after ward have occasion for them, they might the more willingly and readily Ingage in the Service: So that it appears not, by what Title the Complainers can pretend to the Remains of the Cloathing Money, if any were, that pertains of right to me as said is.

3. Your Petitioner can boldly affirm that there was never any Collonel in my circumstances more open handed and Liberal, both to the Officers and Souldiers than I was, in regard that of times when there was any thing saved in the Cloathing Money; I complemented my Officers, in so far as, that at one time I bestowed for 40 beaten silver Husbands or Collars, and as many Silken Sashes which cost upwards of 1000 Crowns: And also at another time I bestowed on my Sergeants, 26 Silver beaten hilted Swords, with Buff-belts and large Silver Buckles which cost about 7 *lib. sterling* per price, besides several considerable Gratifications in Money bestowed on my said Officers as I thought they best deserved, and nothing thereof they ever did, or could acclaim as their Right; but I could have kept all in my own Pocket, and by which Acts of Liberality, I have Enriched my Officers, and Impoverished my self. And have also defrayed all the incident Charges that happened to befall the Regiment without exacting one Sixpence from my Officers, although I could have made them pay a part thereof if I had so pleased, even out of their own personal Pay, a great deal of it having been expended at their importunity, and for their designed and endeavoured good, and I cannot think that these my Deeds of Liberality, and Distributions on such special considerations entitles the Complainers to challenge an Interest in the Remains of the Retention (if any were) whether I will or not, or otherways than as I was pleased to distribute the same.

And your Petitioner craves leave to be so just to Lieutenant Collonel *Forbes* as to acknowledge, that the Money I gave him was for going five or six several times to *London*, and *Flanders* the Regiments errands; and doing the Regiment some very good offices, although at his last journey his endeavours failed him, and some of which expences and errands, the Collonel humbly offers the following Accompt.

1. In the year 1692, Lieutenant Collonel *Forbes* then Major to the Regiment, was sent to *London* to represent the circumstances of the Regiment and Garison of *Fort-William* and particularly that they had not a Minister to Preach the Gospel, and that the Establishment of the Regiment wanting a Gunner and Matrosses wherefore I was necessitate

cessitat to apply the pay allotted for the Minister, To pay the Gunner and two Mattrasses being at that time the Clannes that were in Armes against the Government were not reduced, and the Garison was invironed with Enemies on all hands. And also to represent that the Poor Soldiers were in straits through the want of Bed-cloths, and Fyring for the Guards and Drugs for use of the Soldiers, in which Journey the Lieutenant-Colonel was successful, and procured His Majesties most Gracious Letter to the Thesaury anent the said matters; As also obtained an Addition of the Gunners Pay, to the Establishment at the rate of five sh. sterl. p. r. diem. And also 150 lib. sterl. per Annum, to buy Bed-Cloths to the Poor Soldiers; As also 100 lib. sterl. to buy Fyring, and 30 lib. to buy Drugs per Annum, in all time coming, during the standing of the Regiment. And for which Journey, and to good Services, I only gave to my Lieutenant-Colonel 160 lib. sterl. But he declared he spent 100 lib. sterl. more of his proper Money, and no part of the 160 lib. sterl. came out of any of my Officers Pockets, but out of the Cloathing-Money.

2. In the Year 1694, the Regiment laboured under great hardship, especially the Poor Soldiers, because of the Dearth of all Liquors, by reason of the heavy Excise, payed by the Brewers to Sir Thomas Kennedy, Tacksmen of the Annexed Excise, and to Adam Gordon of Additional Excise, and to their Subtacksmen, so that a poor Soldier could not get a Pint of Ale under a Groat, and three shilling the worst, which occasioned the poor Soldiers to drink the Water of the Place, which is truly either Brickish or Mossie, and unwholesome, whereby they contracted Fluxes and Scurvies, whereof many dyed, so that I Commissioned my Lieutenant-Colonel to go to London, because I could not leave the Garison my self, to represent the hard circumstances of the Soldiers and he accordingly went, and upon Audience of his sacred Majesty, obtained his Majesties Letter, not only to exeeem the Garison of Fort William, from payment of any Excise in all time coming, and to keep it out of all subsequent Tacks, but granted Warrant to the Lords of the Thesaury to give Abatement to the Principal Tacksmen of the Excise of 90 lib. sterling for that current Year, as the Copy of the Kings Letter, Dated the Day of February 1695 doth verifie, with all which the Lords of the Thesaurie having complied the 90 lib. sterling was retounded, and the Garison freed from Excise thereafter. As also about the said time the Fonds for the Armies Pay falling short, the Lords of Thesaury did reduce the Regiment to half Pay, wherewith it had been impossible for them to subsist; so that I was necessitate to cause my Lieutenant-Colonel to stay at Court, to represent the Difficulties the Regiment would ly under, if so as, dealt with, anent which his Majesty was also graciously pleased to hear him fully: and although the Lieutenant Collonel met with much Opposition, some of the Collonels of the Hush Scots Forces being then at Court, and insinuating that the Garisons Difficulties was not so great as was represented, only of purpose to disappoint them of their Pretences, because it was certain, the better and more Pay that Regiment got, though in contemplation of its severe hard circumstances, the rest of the Army would get less and worse pay; yet after all, His Majesty was graciously pleased to take the Regiments case to his Consideration, and to Ordain the Lords of Thesaury to make distinction in the payment, betwixt my Regiment and the rest of the Forces, and to pay the Regiment as formerly; as the Copy of his Majesties Letter dated the 28 of February 1694, doth more fully narrate; and the Expense Six of this so long & laborious an Expedition being exchange & all 410 lib. sterling was also payed out of the Cloathing-money, and no part thereof came out of the Officers Pockets although they were all benefited thereby, not only by having hail pay in place of half pay; but likewise both Officers and Souldiers, had the drinking their Liquors Excise free, and better and cheaper. And the said 410 lib. sterling being but the Lieutenant Collonels neat Expensations, I leave it to any thinking person, if he deserved not a Gratification beside.

3. In the year 1695, the Lieutenant Collonel, and one Captain Farguhar in the Collonels Regiment, went from the Garison to London, and from that to Flanders, and served as now Volunteers at the Siege of Namure and returned from Flanders by way of London, where the Lieutenant Collonel did the Regiment Service; and that Campaigne cost him at least as he declares, 500 lib. sterling before he returned to Scotland, but no man can say that he demanded any thing for his Service done to the Regiment at that time, and therefore I dare making mention of it.

4. In the year 1697, when the Peace was concluding, the Officers of my Regiment at the Garison, Addressed me to send Lieutenant Collonel Forbes to Flanders, to use his Interest & Endeavours for the standing of the Regiment; and they would hear of none to go but him, because

because he had formely been so successfull in obtaining favours for the Regiment and if I be not very much mistaken, some of the compleaining Officers that were then the Garison, went with several others of the Officers to *Inverness* where the Lieutenant Collonel was posted, and importuned him to undertake the Negotiation and brought him to the Garison, where all the Officers that were then present, unanimously solicited to let him go, which Solicitation I shifted, and purposed to divert the Officers from any such Resolution, assuring them that they behooved to pay all the Lieutenant Collonel his Expenses out of their own Pockets, and one of the three complaining Officers then answered with an solemn Oath, that he rather would pay his proportion of whatever Expenses the Lieutenant-Collonel would be at upon that occasion out of his proper pocket than that his Journey were longer retarded, for the sooner he went away it would be better; So because of the Officers Importunity, I complied with their desire, and the next day with their unanimous consent, dispatched the Lieutenant-Collonel, and gave him Instructions, with which he immediatly went to *London*, and from that to *Flanders* where the King and Court was, and there I believe my Lieutenant Collonel used his best Endeavours for the Regiments Interest, and came from *Flanders* to *London*, and there waited full four Moneths, hoping the best and fearing the worst, and still using his best Endeavours, altho' they proved unsuccessfull, and the very complaining Officers, would not allow him to dispare of the Regiments standing, but sent him up Letters of Recommendation from their Friends, to great men at Court, and likewise advising him to spare no Expenses in the Affair, which obliged him to stay longer, and make new Attempts, which put him assuredly to great Charges, and the Lieutenant-Collonel his Expenses in the said Negotiation, amounted to 300. and odd *lib. Sterling* only. The remainder of the 720. *lib.* condescended on by the Complainers, was for the Exchange of the Bills, and a 100. *lib.* given to Captain *Mackulloch*, & Captain *Farquhar*, who were truly deserving of it, upon several Considerations unnecessary here to be mentioned, and no part of the said 720. *lib. sterling*, came out of the Officers their pockets nor was stopped of their pay, but was payed out of the Clothing Money; And as to the 200. *lib.* complained of as received by the Lieutenant-Collonel, it was all the Remuneration he received, for his extraordinary Toyl and Fatigue in going the Regiments Errands, and no part of the said Sum came out of the Officers Pocket but all entirely out of that Fond, which I could have applyed as I pleased and the Lieutenant Collonel might have justly contended for more than the said Sum, in regard, That 1. At the modeling of the Regiment, the said Lieutenant Collonel brought 600 Pee-coats, and as many Shoes and shirts to the Regiment, which never got any Allowance for, tho his said doing saved a considerable Sum to the Regiment, and was the first occasion of my having any Remains of the Cloathing Money. And 2. He gave the Grenadeer Company 60 Bags, Badges, Paternashes & Banners, at the value of 30 *lib. sterling*. And 3. The said Lieutenant-Collonel before the Agent was imployed, he not only did the Regiments Business; and received the first Months Pay of the Regiment at *Edinburgh*, but likewise brought the same up upon his own Charges and Expenses to the Garrison, for which I think he at least should have the same Fees that the Agent hath had Monthly since that time, which will amount to not less than 80 *lib. sterling* and upwards, and I might add to this a great many other Reasons, which is needless to trouble your Lordships with; & if I were to make an Accompt of the Advantages and Casualties that some of the complaining Officers have had since their coming to the Regiment, and that with very little trouble or Fatigue, (whereof neither the Lieutenant Collonel nor I neither had nor could have any share) your Lordships would find them very kind & now how this groundless Complaint comes about, is to me a matter of Admiration. For at the clearing and disbanding of the Regiment, there was not the least Mention of such Complaint, but on the contrair. And of 200 or 300 *lib.* that remained of Ballance of the cloathing Money, I gave to the commanding Officers of each Company some part gratuitously, as will appear by the stated Accompts in their own hands, not so much of very Pole-Money, Agent Fees, and a great part of their Pondage, but I payed:

May it therefore please your Lordships, not only to Affoilzie your Petitioner from such a groundless and unkind complaint; But also to absolve Lieutenant-Collonel *Fleming* and the Agent, That they may not sustain any trouble or loss, through the most faithful services, which they have not only done to your Petitioner; But likewise to the Regiment. And your Petitioner shall ever pray.

Sic Subscribit
John H.